

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

APPLICATION FOR CANCELLATION OF BAIL NO.27 OF 2023

RAVIKANT S/O. TUKARAM NIRWAL
VERSUS
ARUN DYNANOBA NIRWAL AND OTHERS

WITH

APPLICATION FOR CANCELLATION OF BAIL NO.28 OF 2023

RAVIKANT S/O. TUKARAM NIRWAL
VERSUS
KRUSHNA SADASHIV JOGDAND AND OTHERS

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Advocate for Applicants : Mr. Salunke Sudarshan J.
APP for Respondent-State : Mr. K. S. Patil.

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CORAM : S. G. MEHARE, J.
DATE : 22.02.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for the respondent-state.
2. The learned Additional Sessions Judge, Parbhani has granted bail to the respondents/accused by orders dated 03.01.2023 and 15.12.2022 respectively.
3. Learned counsel for the applicant would argue that the learned Additional Sessions Judge did not consider the material placed before the Court. There were antecedents to

the discredit of the respondents/ accused. The offence was of the murder. The material placed before the Court was not properly considered. The respondents/accused are habitual offenders. Therefore, the orders granting bail are perverse and arbitrary.

4. Perused the orders granting bail. The Court has discussed the evidence of the eye witness and raised the doubt over her conduct. The eye witness was the close relative of the deceased. Her conduct was unnatural. Besides this, the Court also discussed the entire facts of the case and considered the argument advanced by the respective learned counsels.

5. Learned counsel for the applicant would not show the overwhelming circumstances that needs the cancellation of bail. The impugned orders does not reveal that the Court granting bail has received the inadmissible evidence and ignored the admissible evidence. The Law is well settled that unless the order granting bail is perverse or arbitrary, the bail shall not be cancelled.

6. As discussed above and after going through the impugned orders, there appears no perversity and arbitrariness in granting bail. There are no overwhelming circumstances to cancel the bail granted to the respondents/accused.

7. Hence, both applications stand dismissed without notice to either of the parties.

(S. G. MEHARE, J.)

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vmk/-